



**National Park Service
U.S. Department of the Interior**

Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary
Authority.

**Tumacácori National
Historical Park**

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Approved:

Robert W. Love, Superintendent

7/22/2016
Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations (36 CFR), chapter 1, Parts 1 through 7, authorized by Title 16 United States Code, Section 3, now Title 54 USC 100751, the following regulatory provisions are established for the proper management, protection, government and public use of all lands and waters within the boundaries of Tumacácori National Historical Park, under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, parts 1 through 7.

The Compendium must be read in conjunction with Title 36, Code of Federal Regulations, Chapter 1, Parts 1-7. It cannot be read as a stand-alone document. Title 36 of the CFR can be located at www.ecfr.gov.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document and are identified by *italicized print*.

PART 1 – GENERAL PROVISIONS

36 CFR §1.1 – Definitions

The following are terms used in this document. A more complete listing can be found under Title 36 CFR §1.4 or §1.5, or online at <http://www.ecfr.gov>.

- **ADMINISTRATIVE ACTIVITIES:** means those activities conducted under the authority of the National Park Service for the purpose of safeguarding persons or property, implementing management plans and policies developed in accordance and consistent with Title 36, Code of Federal Regulations, Chapter 1, or repairing or maintaining government facilities, (*e.g., contractor, concessioner, researcher*).
- **ELECTRONIC NICOTINE DELIVERY SYSTEM (ENDS):** means a battery-powered device capable of delivering inhaled aerosolized nicotine and other additives to the user. ENDS are marketed under a variety of brand names and descriptors, including electronic cigarettes, e-cigs, hookah pens, vape pens, vaporizers and others.
- **FIRE:** means any combustion of combustible materials of any type outdoors.
- **IDLING:** means the engine is running while a car, truck, bus or any vehicle is stationary.

- **SERVICE ANIMAL:** means any dog, or in certain reasonable instances miniature horses, individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. This service animal definition adheres to the guidelines set forth in the current American with Disabilities Act. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disabilities Act.
- **PACK ANIMALS:** means only horses, burros, mules and llamas.
- **SKATEBOARD:** means a board having a set of wheels mounted under it or on the side, ridden in a standing, crouching or seated position.
- **UNMANNED AIRCRAFT:** means any device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, and drones) that are used for any purpose, including for recreation or commerce.

36 CFR §1.2 – Applicability and Scope

The regulations and public use limits or restrictions contained in this document apply to all persons entering, using, visiting or otherwise within the boundaries of Tumacácori National Historical Park, under the jurisdiction of the National Park Service.

36 CFR §1.5 – Visiting Hours, Public Use Limits, Closures

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

- The Tumacácori Visitor Center and Mission Grounds will be open daily from 9:00 am to 5:00 pm, year-round, except Thanksgiving and Christmas Days.
- The Calabazas and Guevavi Units are open only at designated times by ranger-guided tours, special use permits, or upon specific authorization of the superintendent.

Closures:

- **Electronic Nicotine Delivery Systems (ENDS):**
 - The use of e-cigarettes and other Electronic Nicotine Delivery Systems will be subject to the same restrictions as tobacco smoking (see §2.21 on pages 8 and 9).

Determination: Current research indicates inhaling aerosolized vapors from an ENDS has some level of public health risk for nearby people in areas with limited ventilation, and for people with compromised health conditions.

Note: The Service is currently revising regulations to include ENDS under the definition of smoking in 36 CFR §1.4. Once promulgated, §2.21 will apply to the smoking of tobacco and the use of ENDSs.

- Unmanned aircraft:
 - Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Tumacácori is prohibited except as approved in writing by the superintendent.

Determination: Unmanned aircraft use has grown dramatically throughout the United States and within units of the National Park System. Section 1.5 of the 2006 NPS Management Policies states that a new form of park use may be allowed within a park only after a determination has been made in the professional judgment of the superintendent that it will not result in unacceptable impacts on park resources and values. In addition, Policy Memorandum 14-05, dated June 19, 2014, provides interim policy guidance until this determination has been made. Specifically at Tumacácori, the use of unmanned aircraft has the potential to conflict with, or impact, a variety of park resources and uses, including visitor experience of unimpaired viewsheds; the potential to disrupt wildlife by interrupting migration, nesting, mating, and/or hunting activities to include, but not limited to, protected species such as the yellow-billed cuckoo and the Southwestern willow flycatcher; potential for impacts to priceless cultural, historical or archeological resources; and the potential creation of a public safety hazards.

- The following facilities, their immediate adjacent areas, and their access roads are closed to general public access:
 - All Facilities located on the former Mendez Homestead (Headquarters administrative offices, maintenance shop, storage buildings, fire protection system, septic system and leach field, utility systems, access road and grounds)
 - Maintenance storage (metal barn), boneyard and surrounding areas
 - Former agriculture fields east and northeast of Headquarters
 - Boundey House
 - Residence #002
 - Trailer/RV sites
 - Mission Grounds Well House/pump station
 - Mission Grounds administrative access road
 - Mission Grounds septic system and leach field
 - Interpretation and Education Offices
 - Mission Grounds storage facilities
 - Calabazas Unit (including ruins and all lands within unit)
 - Guevavi Unit (including ruins and all lands within unit)

Determination: All of the above closures are necessary to provide government efficiency, ensure accountability of government equipment, aid in the restoration of previously disturbed lands, protection of sensitive cultural resources, and provide for a safe environment for government employees. Public access to the Calabazas and Guevavi Units may be provided at designated times by ranger-guided tours, special use permits, or upon specific authorization of the superintendent.

- The following areas are closed to the use of horses or pack animals:
 - Tumacácori Mission Grounds
 - Calabazas Unit
 - Guevavi Unit

Determination: The use of horses and pack animals is restricted to areas where they will not present a safety hazard, and where their use causes minimum user conflict. The impact of horses and pack animals on natural and cultural resources is also a consideration in determining where they can be used.

36 CFR §1.5 – Activities Designated for Specific Use or Activity

(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

- Camping is prohibited on all park lands, except when associated with a park hosted or permitted special event, or when specifically authorized by the superintendent.
- Please refer to §2.10 of this compendium for other specific camping area regulations

Determination: There are no designated camping areas within Tumacácori National Historical Park. Occasionally camping is allowed when it is associated with a park hosted or permitted special event, or upon specific authorization of the superintendent. Limiting camping is necessary for the maintenance of public health and safety, protection of the environmental and scenic values, protection of cultural and natural resources, and for the avoidance of conflict among visitor use activities.

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

- Passenger Carrying Vehicles:
 - Idling a vehicle engine which produces noxious exhaust is restricted to the period necessary for the loading or unloading of passengers.

Determination: The idling of engines adds unnecessary exhaust fumes to the air and noise pollution which diminishes the enjoyment by visitor, disrupts the peace and tranquility of the park, and may lead to increased health risks for visitors and employees.

36 CFR §1.6 – Activities that Require a Permit

(f) The following is a compilation of those activities for which a permit from the superintendent is required:

- §1.5(d) The following activities related to Public Use Limits:
 - Gathering of native plants for ethnographic use by affiliated Tribal Nations for traditional purposes.
 - Any and all Commercial activities.
- §2.4(d) Carry, possess or use a weapon (excluding firearms), trap, or net
- §2.5(a) Specimen collection (take plant, fish, wildlife, rocks or minerals)
- §2.10(a) Backcountry Camping
- §2.12 Audio Disturbances:
 - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine, except upon a roadway or parking area
 - (a)(4) Operation of a public address system, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.22 Property – Geocaching

Determination: Section 8.2.2 in the 2006 NPS Management Policies states the National Park Service will manage recreational activities, such as geocaching, that takes place in parks and support the federal policy of promoting the health and personal fitness of the general public. It further states that, even though not all activities will be appropriate in all parks, the superintendent can make determination on whether a new form of recreational activity will be appropriate and not cause unacceptable impacts and any restrictions placed on appropriate recreational uses will be limited to the minimum necessary to protect park resources and values, and promote visitor safety and enjoyment.

- §2.37 Soliciting or demanding gifts, money, goods or services (pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)

- §2.38 Explosives:
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks
- §2.50(a) Special events, weddings, organized running events, and any other activities of organized groups that require park oversight, or are not part of the normal visitor experience.
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, and other public expressions of view will be permitted if a permit has been issued in accordance with 36 CFR §2.51 at locations designed to balance the legitimate need of persons to express their views while allowing for the needs of park visitors to enjoy the park and its resources.
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising
- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §2.62(b) Scattering ashes from human cremation
- §4.11(a) Exceeding established vehicle load, weight and size limits
- §5.1 Advertisements - display, posting or distribution
- §5.3 Engaging in or soliciting any business - requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations
- §5.5 Commercial Photography/Filming:
 - Filming and photography activities – whether commercial or noncommercial – will be allowed provided that the activities are appropriate to the park purpose, do not portray the violation of or actually violate any local or federal laws, and do not cause unacceptable impacts to park resources or public use.
 - All commercial and certain non-commercial filming requires a permit. Commercial filming is defined as digital or film recording of a visual image or sound recording by a person, business, or other entity for a market audience, such as for a documentary, television or feature film, advertisement, or similar project.
 - Still photography activities, whether commercial or non-commercial, require a permit when: (a) the activity takes place in locations(s) where or when members of the public are generally not allowed; or (b) the activity uses model(s), set(s) or Prop(s) that are not a part of the locations' natural or cultural resources or administrative facilities; or (c) the park would incur additional administrative costs to monitor the activity; or (d) the park needs to provide management and oversight to (1) avoid impairment or incompatible use of the resources and values of the park, or (2) limit resource damage, or (3) minimize health or safety risks to the visiting public.
 - News coverage does not require a permit, for either filming or still photography, but is subject to time, place, and manner restrictions, if warranted, to maintain order and ensure the safety of the public and the media, and to protect natural and cultural resources.
- §5.6(c) Use of commercial vehicles on park area roads:
 - (c) The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available
- §5.7 Construction of buildings, facilities, trails, roads, path, structure, etc.

Determination: Permit systems authorized and issued pursuant to specific regulations in this chapter, except § 1.5, need not be supported by a written determination unless required by the specific authorizing regulation (48 FR 30262).

For more information on permit requirements and to obtain appropriate applications, please contact the park's Chief of Interpretation and Education at (520) 377-5063, or visit www.nps.gov/tuma.

PART 2 – GENERAL REGULATIONS

36 CFR §2.1 – Preservation of Natural, Cultural and Archeological Resources

(c)(1), (c)(2) Collection of a reasonable amount of native fruit is permitted for personal use for consumption on site.

The following species are classified as native fruits for the purposes of collecting:

- Prickly Pear Cactus Fruit
- Cholla Buds
- Mesquite Seed Pods
- Palo Verde Beans
- Barrel Cactus Fruit
- Elderberries

Determination: The removal of native fruits in limited quantities does not have an adverse impact on park resources. Commercial harvesting of fruits would deny visitors the opportunity to experience the park in its natural state and could lead to resource degradation.

The removal of fruit from the park's Heritage Orchard, Courtyard Garden, and areas adjacent to the Tumacácori Visitor Center is prohibited, except when specifically authorized by the superintendent.

Determination: The fruit from these areas is intended to be used for interpretive purposes, and/or authorized community harvest events.

36 CFR §2.2 – Wildlife Protection

(d) The transporting of lawfully taken wildlife through the park is permitted under the following conditions and procedures:

- Wildlife must have been lawfully taken and tagged, in compliance with State law.
- Lawfully taken wildlife and tagged wildlife may only be transported on the Tumacácori Unit's Santa Gertrudis Lane.

Determination: Limits the illegal take of wildlife within the park boundaries and requires documented proof that wildlife was lawfully taken outside of park boundaries in compliance with State law.

(e) The following areas are closed to the viewing of wildlife with the use of an artificial light:

- All areas within the park's boundaries are closed to the use of artificial lights (other than UV) for the purpose of viewing wildlife. The superintendent may, on a case-by-case basis, approve the use of artificial light for the purpose of filming, scientific viewing or interpretive activities in accordance with DO/RM-53 Filming Guidelines.

Determination: Animal's natural habits and activities can be adversely affected while being artificially illuminated. Some of these activities include feeding, resting and mating. The proliferation of poor quality outdoor lighting is the principle threat to the night sky. Reducing the number of multiple lighting systems will allow for activities focused on public enjoyment of dark skies.

36 CFR §2.10 – Camping and Food Storage

(a) Camping is prohibited on all park lands, except when associated with a park hosted or permitted special event, or when specifically authorized by the superintendent.

Determination: There are no designated camping areas within Tumacácori National Historical Park. Occasionally camping is allowed when it is associated with a park hosted or permitted special event, or when specifically authorized by the superintendent. Limiting camping is necessary for the maintenance of public health and safety, protection of the environmental and scenic values, protection of cultural and natural resources, and for the avoidance of conflict among visitor use activities.

(c) Violation of Special Use Permit Camping Conditions:

- Camping is restricted to the number of nights specified on the permit.
- Within the Fiesta Grounds, the use of tent stakes is prohibited.
- Digging trenches around tents or modifying camp areas is prohibited.
- Group size is limited to the number specified on the permit.
- Do not litter – all trash must be deposited in provided receptacles.
- Do not put trash in outhouse or porta-johns.

36 CFR §2.13 – Fires

(a)(1) The lighting or maintaining of fires is prohibited, except when associated with a park hosted or permitted special event, or when specifically authorized by the superintendent.

- The use of liquid petroleum or LPG fueled stoves, lanterns, or heating devices is allowed, as long as such devices meet the fire underwriter's specifications for safety.
- When authorized, campfires are permitted in designated fire pans only.

Determination: The prohibitions within this section serve to protect the park's natural, cultural, and archeological resources from the detrimental effects of campfires. In addition, restricting fires to receptacles (where provided) prevents fire scars and contains fire debris to a small area.

36 CFR §2.15 – Pets

(a)(1) Possession of a pet in a closed area

- Pets are prohibited within the Tumacácori Mission Grounds, Tumacácori Fiesta Grounds, Calabazas Unit, and Guevavi Units

(a)(2) Pets must be restrained at all times

- In areas where pets are allowed, they must be crated, caged or restrained on a leash that does not exceed 6 feet in length.

(a)(3) Pets must be attended to at all times

- Pets left unattended in a vehicle may be removed by a ranger, at his/her discretion, to protect unattended pets from exposure to high temperatures and dehydration.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

- In all areas, pet excrement must be immediately picked up and disposed of by the person in control of the pet. Excrement must be either removed from the park or placed in an outdoor garbage receptacle.

(e) Pets may be kept by park residents under the following conditions:

- Employees residing in the Park may keep pets, in accordance with Tumacácori's Housing Management Plan.

The above prohibitions or restrictions do not apply to:

- Emergency search and rescue missions or approved training exercises
- Law enforcement patrol or bomb dogs

- Service Animals as defined by 28 CFR Part 35, Section 34.104 and accompanying an individual with a disability as defined by 43 CFR Part 17.503. (NOTE: Crime deterrent effects of animal's presence and/or the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of the definition of Service Animal but are considered "pets" with no access rights under federal statute.)

Determination: Excluding pets from closed areas provides protection for the park's cultural and archeological resources. Leash requirement provides for the protection of the pet as well as other park visitors, while preventing pets from disturbing or harassing native wildlife. Pet excrement poses a public health hazard in high use areas. All other regulations in this section are in effect to protect unattended pets from exposure to high temperatures and dehydration.

36 CFR §2.16 – Horses and Pack Animals

(a) The following animals are designated as pack animals for purposes of transporting equipment:

- Horses
- Burros
- Mules
- llamas

(b) The use of horses or pack animals is allowed on the following trails, routes or areas:

- Within the Tumacácori Unit, horses and pack animals are only permitted on the Anza Trail, and Anza Access Trail.
- Horses and pack animals are allowed within the park's administrative area, Mission Grounds and Fiesta Grounds when associated with a park hosted or permitted special event, or when specifically authorized by the superintendent.

(g) Other conditions concerning the use of horses or pack animals:

- Securing horses or pack animals to any picnic table, Ramada, grill, sign or any picnic facility is prohibited.
- Securing horses or pack animals to trees or bushes is not allowed when there is a hitch rail available.
- Grazing is prohibited.
- The use of weed-free feed is recommended to prevent the introduction and spread of exotic plant species.

Determination: The use of horses and pack animals is restricted to areas where they will not present a safety hazard or create a visitor conflict. The impact of stock on trail surfaces is also a consideration in determining where they can be used.

36 CFR §2.20 – Skating, Skateboards, and Similar Devices

- Skateboards, skates, roller blades and/or similar devices are prohibited within the park.

Determination: There are no areas within Tumacácori National Historical Park where skateboards, skates, roller blades and/or similar devices may be safely operated without creating a safety hazard or interfering with other visitor uses or vehicle traffic.

36 CFR §2.21 – Smoking

(a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking as noted:

- All non-residential federal buildings within the park are designated as non-smoking areas.
- Within 25 feet of any building, except those used as a single family residence.
- All shared government housing is designated as non-smoking.
- The superintendent may, during periods of high fire danger, restrict or close all, or portions of the park to smoking.
- Any additional restrictions shall be issued in press releases and appropriate signs will be posted at trailheads and visitor centers.

Determination: Smoking is prohibited in the areas listed above to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities. Smoking within any public building or structure poses a health and fire risk.

36 CFR §2.22 – Property

(a)(2) Property may be left unattended for periods longer than 24 hours in the following areas and under the following conditions:

- Vehicles may be left unattended overnight in designated parking areas only when associated with a park hosted or permitted special event, or when specifically authorized by the superintendent.
- All vehicles and or property left in the park for more than 24 hours are subject to impound (excluding those vehicles permitted above).

36 CFR §2.23 – Recreation Fees

(b) Recreation fees, and/or a permit, in accordance with 36 CFR Part 71, are established for the following entrance fees areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for the participation in the following group activities, recreation events or specialized recreation uses:

Entrance Fee Areas

Tumacácori Unit:

- *Individuals* 16 years of age or older – \$5.00, valid for 7 days, under 16 years old is free
- *Tumacácori Annual Pass* – \$20.00, valid for 1 year from month of purchase – admits the pass holder plus 3 adults
- *America the Beautiful Annual Pass* – \$80.00, valid for 12 months from month of purchase, admits the pass holder plus 3 adults
- *Senior Pass* – \$10.00, lifetime pass for eligible individuals, admits the pass holder plus 3 adults
- *Access Pass* – free lifetime pass for eligible individuals, admits the pass holder plus 3 adults
- *Military Pass* – free for eligible individuals, valid for 1 year from month of issuance, admits the pass holder plus 3 adults
- *Volunteer Pass* – free for eligible individuals, valid for 1 year from month of issuance, admits the pass holder plus 3 adults

Special Program Fees:

Calabazas and Guevavi Tours:

- The Calabazas and Guevavi Units are only open at designated times, usually January through March, and only by ranger guided tours. Participants for these tours must make reservations in advance – cost is \$25 per person, and includes transportation to the sites.

Family Sleep-overs:

- A special event offered at the Tumacácori Unit, as scheduled. Participants for this event must make reservations in advance – cost is \$20 per adult, \$10 for children (under 16 years old).

36 CFR §2.35 – Alcoholic Beverages

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- All park areas, except the Tumacácori picnic areas, or when associated with a park hosted or permitted special event, or when specifically authorized by the superintendent.

Determination: At visitor use areas, the irresponsible and unsafe behavior which occasionally results from alcohol use is inappropriate to park purpose, and for the enjoyment of park resources.

36 CFR §2.51 – Public Assemblies, Meetings

(a) The following locations have been designated by the superintendent as designated public assembly areas:

Tumacácori Unit: The island west of the visitor center and visitor center parking area, east of the masonry wall, and from the north to south ends of the masonry wall.

- Areas other than those designated above may be approved by the superintendent, on a case-by-case basis in accordance with the considerations described in 36 CFR 2.51 (e).

36 CFR §2.62 – Memorialization

(b) A permit is required for the scattering of ashes from cremated human remains, in accordance with the following terms and conditions:

- The remains to be scattered must have been cremated and pulverized, in compliance with State law.
- The scattering of remains by persons on the ground is to be performed only in areas approved in advance by park staff.
- No scattering of remains from the air is to be performed over developed areas, facilities or bodies of water.

Determination: Limiting the location of the scattering of properly cremated ashes reduces the impact on the natural and cultural resources.

36 CFR §3.21 – Swimming and Bathing

(a)(1) The following areas are closed to swimming and/or bathing:

- Santa Cruz River
- Fountain in the Tumacácori Visitor Center Courtyard Garden

Determination: The Santa Cruz River is contaminated by varying levels of E. coli and heavy metals and may pose a public health risk to people swimming or wading in the river. Bathing in the Courtyard Garden fountain is not compatible with normal visitor use activities, and may also pose a public health risk.